



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 SENATE BILL 437**

December 27, 1995 - Offered by COMMITTEE ON JUDICIARY.

1 **AN ACT** *to renumber and amend* 946.68 (1); *to amend* 409.404 (1) (d), 943.60
2 (1), 946.68 (2) and 946.69 (2) (intro.); and *to create* 946.68 (1) (c) of the statutes;
3 **relating to:** criminal slander of title, simulating legal process, falsely
4 assuming to act as a public officer, public employe or utility employe, failing to
5 file a statement terminating a security interest under a financing statement
6 and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 409.404 (1) (d) of the statutes is amended to read:
8 409.404 (1) (d) *Failure to file a termination statement.* If the affected secured
9 party fails to file a termination statement as required by this subsection, or to send
10 such a termination statement within 10 days after receipt of the debtor's written
11 demand the secured party is liable to the debtor for ~~\$25~~ \$500, and in addition is liable
12 for any loss caused to the debtor by such failure and for reasonable attorney fees and
13 court costs incurred by the debtor due to such failure.

14 **SECTION 2.** 943.60 (1) of the statutes is amended to read:

1 943.60 (1) Any person who submits for filing, docketing or recording any lien,
2 claim of lien, lis pendens, writ of attachment, financing statement or any other
3 instrument relating to a security interest in or title in to real or personal property,
4 knowing and who knows or should have known that the contents or any part of the
5 contents ~~to be~~ of the instrument are false, a sham or frivolous, is guilty of a Class
6 ~~E- D~~ felony.

7 **SECTION 3.** 946.68 (1) of the statutes is renumbered 946.68 (1) (a) and amended
8 to read:

9 946.68 (1) (a) ~~Whoever~~ Except as provided in pars. (b) and (c), whoever sends
10 or delivers to another any document which simulates a ~~summons, complaint, or court~~
11 legal process is guilty of a Class E felony.

12 (b) If the document under par. (a) is sent or delivered with intent ~~thereby~~ to
13 induce payment of a claim, the person is guilty of a Class ~~B misdemeanor~~ D felony.

14 **SECTION 4.** 946.68 (1) (c) of the statutes is created to read:

15 946.68 (1) (c) If the document under par. (a) simulates any criminal process,
16 the person is guilty of a Class D felony.

17 **SECTION 5.** 946.68 (2) of the statutes is amended to read:

18 946.68 (2) Proof that ~~the~~ a document specified under sub. (1) was mailed or was
19 delivered to any person with intent that it be forwarded to the intended recipient is
20 sufficient proof of sending.

21 **SECTION 6.** 946.69 (2) (intro.) of the statutes is amended to read:

22 946.69 (2) (intro.) Whoever does any of the following is guilty of a ~~Class A~~
23 ~~misdemeanor~~ Class E felony:

24 **SECTION 7. Initial applicability.**

